



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF INSPECTOR GENERAL  
OFFICE OF INVESTIGATIONS

DATE: February 24, 2023

PREPARED BY: SA (b) (6), (b) (7)(C)

CASE #: OI-PH-2022-ADM-0112

CROSS REFERENCE #: N/A

TITLE: Internal Matter

## CASE CLOSING REPORT

Subject	Location	Other Data
(b) (6), (b) (7)(C)	Washington, DC	(b) (6), (b) (7)(C) EPA OIG (b) (6), (b) (7)(C)

### VIOLATIONS:

1. OIG OI Procedure 201
2. OIG OI Procedure 204
3. OIG OI Procedure 211
4. OIG OI Procedure 217
5. EPA Order 3120.1 Appendix, Table of Offenses and Penalties, 16

### ALLEGATION:

It was alleged that (b) (6), (b) (7)(C) Environmental Protection Agency (EPA), Office of Inspector General (OIG), (b) (6), (b) (7)(C) violated several OIG Procedures relative to (b) (6), (b) (7)(C) handling of a conduct issue involving (b) (6), (b) (7)(C)

### FINDINGS:

Preliminary interviews and document reviews by the OIG (b) (6), (b) (7)(C) identified facts sufficient to support alleged misconduct on behalf of (b) (6), (b) (7)(C). Specifically, (b) (6), (b) (7)(C) preliminarily determined (b) (6), (b) (7)(C) violated: (1) OIG Procedure 204 §1.10(d) by failing to adequately secure (b) (6), (b) (7)(C) agency issued firearm in accordance with current procedures; (2) OIG Procedure 211 §2.1(a) by failing to properly mark and preserve evidence; (3) OIG Procedure 201 §2.3 by failing to act impartially and by failing to “make every reasonable effort not to unnecessarily damage the reputations of those individuals whose activities are being investigated”; (4) OIG Procedure 201 §2.5 by failing to immediately notify the AIGI or designee, through their SAC, of any misconduct or criminal activity by a co-worker and instead unilaterally conducting an investigation; (5) OIG Procedure 201 §2.8 relative to disclosure of information by disclosing information about an

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investigation to personnel without a need to know”; (6) OIG Procedure 503 § 3.2 (a)(c) by failing to cooperate fully with Office of Investigations Special Agents (SAs) in an internal investigation, by failing to ensure that the SA conducting an investigation has full and complete access to all original documents and other materials (b) (6), (b) (7)(C) related to the allegation or complaint; and (7) OIG Procedure 503 §5.3 by failing to recuse (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) was reassigned on or about (b) (6), (b) (7)(C), 2022. (b) (6), (b) (7)(C) became the (b) (6), (b) (7)(C)

**DISPOSITION:** Inconclusive; Closed

A draft Report of Investigation (ROI) was prepared but was not issued. (b) (6), (b) (7)(C), (b) (5)

As such, the allegation was deemed inconclusive as OI did not complete the investigation.

The investigation was presented for criminal prosecution to the DOJ’s Fraud and Public Corruption Section, District of Columbia and was declined (b) (5). (b) (6), (b) (7)(C) left the Agency effective (b) (6), (b) (7)(C) 2022. OI senior management has directed this matter be closed. As such, this investigation is closed in this office with no further action.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460  
OFFICE OF INSPECTOR GENERAL  
OFFICE OF INVESTIGATIONS

CLOSING REPORT OF INVESTIGATION

(b) (6), (b) (7)(C) GS-15, (b) (6), (b) (7)(C)

OI-HQ-2021-OTH-0041

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*Distribution:*

*Submitted by:*

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Special Agent  
Office of Investigations  
South Eastern Field Office

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OFFICE OF INSPECTOR GENERAL  
OFFICE OF INVESTIGATIONS

<b>CASE NO.:</b>	OI-HQ-2021-OTH-0041	<b>DATE OPENED:</b>	07/27/21
<b>CASE TITLE:</b>	(b) (6), (b) (7)(C) GS-15	<b>CASE AGENT(s):</b>	(b) (6), (b) (7)(C)
<b>CASE CATEGORY:</b>	Employee Integrity	<b>OFFICE:</b>	Electronic Crimes Division
<b>JOINT AGENCIES:</b>	Fairfax County Police Department	<b>JURISDICTION:</b>	Fairfax, VA

## SECTION A - NARRATIVE

### Introduction

On July 22, 2021, the U.S. Environmental Protection Agency (EPA), Office of Inspector General (OIG), Office of Investigation (OI), Electronic Crimes Division (ECD), Washington, D.C., received a notification from Detective (Det) (b) (6), (b) (7)(C) [REDACTED] Fairfax County Police Department (FCPD), that (b) (6), (b) (7)(C) GS15, (b) (6), (b) (7)(C) [REDACTED] EPA, was under investigation by FCPD for unlawfully filming an unclothed minor.

As a result, ECD opened an investigation to assist FCPD in determining if:

1. (b) (6), (b) (7)(C) violated Code of Virginia §18.2-386.1: Unlawful creation of image of another.
2. (b) (6), (b) (7)(C) violated Code of Virginia §18.2-130.1: Peeping or spying into dwelling or occupied building by electronic device; and

### Possible Violations

1. Code of Virginia §18.2-386.1: Unlawful creation of image of another: It shall be unlawful for any person to knowingly and intentionally create any video graphic or still image by any means whatsoever of any nonconsenting person if (i) that person is totally nude, clad in undergarments, or in a state of undress so as to expose the genitals, pubic area, buttocks or female breast in a restroom, dressing room, locker room, hotel room, motel room, tanning bed, tanning booth, bedroom or other locations.
2. Code of Virginia §18.2-130.1: Peeping or spying into dwelling or occupied building by electronic device: It is unlawful for any person to knowingly and intentionally cause an electronic device to enter the property of another to secretly or furtively peep or spy or attempt to peep or spy into or through a window, door, or other aperture of any building, structure, or other enclosure occupied or intended for occupancy as a dwelling, whether or not such building, structure, or enclosure is permanently situated or transportable and whether or not such occupancy is permanent or temporary, or to do the same, without

just cause, upon property owned by him and leased or rented to another under circumstances that would violate the occupant's reasonable expectation of privacy.

### Synopsis

The investigation identified facts and evidence sufficient to support the allegations that: 1) (b) (6), (b) (7)(C) violated Code of Virginia §18.2-386.1(A), Unlawful creation of image of another; 2) (b) (6), (b) (7)(C) violated Code of Virginia §18.2-130.1, Peeping or spying into dwelling or occupied building by electronic device.

On (b) (6), (b) (7)(C), 2022, (b) (6), (b) (7)(C) pleaded guilty and was convicted of two misdemeanor charges of violating Code of Virginia §18.2-386.1(A), Unlawful creation of image of another; and §18.2-130.1, Peeping or spying into dwelling or occupied building by electronic device.

On (b) (6), (b) (7)(C), 2022, (b) (6), (b) (7)(C) was suspended by EPA from pay and duty for 30 calendar days effective from (b) (6), (b) (7)(C), 2022, through (b) (6), (b) (7)(C), 2022, and (b) (6), (b) (7)(C) 2022, through (b) (6), (b) (7)(C), 2022.

### Details

On July 19, 2021, FCPD received a referral from Fairfax County, VA, Child Protective Services (CPS) alleging (b) (6), (b) (7)(C) attempted to video record (b) (6), (b) (7)(C) while in the shower with his cellular telephone. According to statements made by the victim to a clinical psychologist which prompted the CPS referral, (b) (6), (b) (7)(C) attempted to video record the victim on two separate occasions. A forensic interview of the victim conducted by Det. (b) (6), (b) (7)(C) corroborated the CPS report. Det. (b) (6), (b) (7)(C) subsequently obtained a search warrant for evidence of violations of Code of Virginia §18.2-386.1(D), Unlawful creation of image of another under the age of 18., and served the warrant on (b) (6), (b) (7)(C), 2021, at (b) (6), (b) (7)(C) residence, located at (b) (6), (b) (7)(C). Det. (b) (6), (b) (7)(C) requested assistance from SA (b) (6), (b) (7)(C), ECD, after seizing a locked EPA issued cellular phone during the search for which (b) (6), (b) (7)(C) claimed he could not remember the passcode. SA (b) (6), (b) (7)(C) coordinated with (b) (6), (b) (7)(C), Mobile Device Operations Lead, U.S EPA End User Services, who remotely removed the passcode to the EPA cell phone. A forensic analysis of the phone by FCPD found no evidence related to this investigation.

FCPD provided ECD with the results of its investigation revealing numerous interviews confirming the victim's account, in which she stated she caught (b) (6), (b) (7)(C) placing his cellphone in the bathroom in a position to video record her while entering the shower on two separate incidents. Det. (b) (6), (b) (7)(C) attempted to conduct a formal interview of (b) (6), (b) (7)(C) who requested counsel and refused to answer questions.

Additionally, during the search of (b) (6), (b) (7)(C) residence, Det. (b) (6), (b) (7)(C) noted a strong odor of burnt marijuana and observed evidence of marijuana usage. Det. (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C), who confirmed (b) (6), (b) (7)(C) used marijuana together on a regular basis.

On (b) (6), (b) (7)(C), 2021, (b) (6), (b) (7)(C) surrendered himself to FCPD pursuant to an Arrest Warrant for one felony count of Code of Virginia §18.2-386.1(D), Unlawful creation of image of another under the age of 18 and was released on an unsecured \$5,000 bond.

ECD provided a referral memorandum to EPA Labor and Employee Relations (LER) on August 25, 2021, pertaining to the alleged illegal substance abuse by (b) (6), (b) (7)(C). LER subsequently conducted an interview of (b) (6), (b) (7)(C) who refused to answer questions.

On (b) (6), (b) (7)(C) 2022, (b) (6), (b) (7)(C) pleaded guilty and was convicted of two misdemeanor charges of violating Code of Virginia §18.2-386.1(A), Unlawful creation of image of another; and §18.2-130.1, Peeping or spying into dwelling or occupied building by electronic device. (b) (6), (b) (7)(C) plea agreement resulted in a sentence of 12 months confinement with 11 months suspended, ordered the payment of \$4,000 in restitution to the victim, and required (b) (6), (b) (7)(C) to attend counseling and psychosexual evaluations. (b) (6), (b) (7)(C) reported to the detention facility to complete the sentencing per his plea agreement on (b) (6), (b) (7)(C), 2022, as ordered. FCPD subsequently closed their investigation.

(b) (6), (b) (7)(C) was placed on administrative leave by his supervisor following his (b) (6), (b) (7)(C), 2022, pleading, and remained on administrative leave through (b) (6), (b) (7)(C), 2022, when he was served notice of proposed suspension for 30 days.

On (b) (6), (b) (7)(C), 2022, (b) (6), (b) (7)(C) was suspended by EPA from pay and duty for 30 calendar days effective from (b) (6), (b) (7)(C), 2022, through (b) (6), (b) (7)(C), 2022, and (b) (6), (b) (7)(C), 2022, through (b) (6), (b) (7)(C), 2022.

### **Disposition**

No further investigate activities are warranted at this time and this investigation will be closed.

## **SECTION B – ENTITIES AND INDIVIDUALS**

**Name:** (b) (6), (b) (7)(C)

**Title & Company:** (b) (6), (b) (7)(C)

**Role:** Subject

**Business Address:** 1200 Pennsylvania Ave., Washington D.C. 20460

**EPA Employee:** Yes, GS-15

## **SECTION C – PROSECUTIVE STATUS**

On (b) (6), (b) (7)(C) 2021, (b) (6), (b) (7)(C) surrendered himself to FCPD pursuant to an Arrest Warrant for one felony count of Code of Virginia §18.2-386.1(D), Unlawful creation of image of another under the age of 18.

On August 25, 2021, ECD provided a referral memorandum to EPA Labor and Employee Relations advising EPA of alleged illegal substance abuse by (b) (6), (b) (7)(C).

On (b) (6), (b) (7)(C) 2022, (b) (6), (b) (7)(C) pleaded guilty and was convicted of two misdemeanor charges of violating Code of Virginia §18.2-386.1(A), Unlawful creation of image of another; and §18.2-130.1, Peeping or spying into dwelling or occupied building by electronic device. Subsequently,

On (b) (6), (b) (7)(C) 2022, (b) (6), (b) (7)(C) was suspended by EPA from pay and duty for 30 calendar days effective from (b) (6), (b) (7)(C), 2022, through (b) (6), (b) (7)(C) 2022, and (b) (6), (b) (7)(C) 2022, through (b) (6), (b) (7)(C), 2022.

## EXHIBITS

1. Memorandum of Activity: Case Initiation, July 27, 2021.
2. Memorandum of Activity: Investigative Report and Apple Warrant, (b) (6), (b) (7)(C), 2021.
3. Memorandum of Activity: Arrest Warrant, (b) (6), (b) (7)(C), 2021.
4. Warrant of Arrest: (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), 2021.
5. Investigative Referral, Labor and Employee Relations, August 25, 2021.
6. Significant Incident Report: Arrest and Disposition of (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) 2022.
7. Warrant of Arrest: Count 1, (b) (6), (b) (7)(C) 2022.
8. Warrant of Arrest: Count 2, (b) (6), (b) (7)(C) 2022.
9. Disposition Notice, (b) (6), (b) (7)(C), 2022.
10. Memorandum of Activity: Coordination Office of General Counsel, August 2, 2022.
11. Significant Incident Report: Notice of Proposed Suspension, August 8, 2022.
12. Significant Incident Report: Decision on Proposed Suspension, October 12, 2022.